

## REMARKS

The Applicant respectfully apologizes to the Examiner for its failure to abide by the requirements of 37 CFR 1.126 with respect to the numbering of claims. The enclosed amended claims are in accordance with said requirements.

The Applicant further apologized to the Examiner for having failed to properly indicate in its last remarks the location in the originally-filed application of the support for the amended claims submitted on 6/10/05. To that end, the Applicant respectfully submits herewith the further amended claims and the support for said amendments as well as for the claims submitted on 6/10/05.

The applicant respectfully submits that the amendments to claim 23 with respect to the structural strength of the inner constraining element and with respect to the protective element are supported by the application as filed. Specific support is found that the word structural has been deleted and replaced with the expression inner constraining. This amendment finds support in the specification at page 2, lines 21 – 25. Further support may be found in Figures 2-4. In addition, the Applicant has added the expression: said inner constraining element comprising the structural strength of the shaft. The Applicant respectfully submits that this amendment is supported by the application as filed. In particular, the specification provides that : *As may be understood, in accordance with a general aspect, the constraining layer is the core of the shaft and may provide all, i.e. substantially all of the structural strength , of the shaft*, page 3, lines 13 to 15.

The words non-structural and replace them with the word protective. This amendment is supported by the application as filed. In particular, the specification provides that : *In a further embodiment the viscoelastic layer may itself be overlaid with a base layer of composite materials*

*whose function may be to provide protection to the viscoelastic layer against mechanical wear and tear (damage) of the viscoelastic layer at*, page 3, lines 1-4. Further, at page 4, lines 11 – 17, the application provides : *In addition to the above two layers, the present invention may provide for a composite hockey stick shaft wherein a base layer overlies the viscoelastic layer so as to provide protection therefore. In accordance with a particular embodiment, the base layer may be a thin, tough and stiff shell structure which may protect against mechanical damage to the viscoelastic layer caused by impacts, scrapes, bumps and other contact damage administered to the shaft during play. As may be understood, the base layer overlies the viscoelastic layer and may serve to protect it...* The applicant therefore respectfully submits that this amendment, namely the replacement of the expression ~~non-structural~~ with the word protective is fully supported by the application as filed.

Further, while not specifically addressed by the Examiner, the applicant respectfully submits that the amendments to claim 23 wherein the thickness of the viscoelastic material on at least two of said first, second, third and fourth side surfaces being thicker than on said remaining side surfaces, is supported by the application as initially filed. Thus, at page 9, lines 6 to 9, one may read: *In is understood however, that the thickness of viscoelastic layer 13 may not be the same on all four faces of shaft 4, for example on one or more faces of shaft 4, namely on opposed faces 12 an 14, the viscoelastic layer 13 may be thicker.* The applicant therefore respectfully submits that claim 23 is fully supported by the application as initially filed.

In view of the above, the applicant respectfully re-submits its arguments provided on 6/10/05. Independent claim 23 now provides, *inter alia*:

- a hockey stick shaft comprising
- i) a structural element having four flat surfaces;

ii) a viscoelastic material disposed on said structural element wherein the thickness of said viscoelastic material on at least two of said surfaces is thicker than on the remaining surfaces;

iii) a non-structural element disposed on said viscoelastic material.

The applicant respectfully submits that new claim 23 distinguishes over the prior art in the following manner.

Conroy does not teach the use of a viscoelastic material in relation to a hockey stick shaft, and in particular does not teach that the thickness of the viscoelastic material is thicker on two of the four faces of the shaft. Further, Cabales does not teach the use of a shaft having four flat side surfaces. In particular, Cabales does not teach that the thickness of the viscoelastic material may be thicker on two of the four side surfaces. The applicant therefore respectfully submits that neither Conroy nor Cabales teach, suggest or provide any incentive for the claim structure of independent claim 23. The applicant further submits that Cabales, in particular, teaches away from the use of a viscoelastic material having different thicknesses on different side surfaces, since it would be impossible, or at the very least improbable, to provide different thickness of viscoelastic material on a round shaft.

The applicant therefore respectfully submits that claim 23 is patentably distinct from the teachings of Conroy and Cabales, whether taken individually or collectively.

Claims 33 to 37 inclusive are deleted, the whole without prejudice.

In view of the above, the Applicant respectfully submits the following arguments with respect to claim 38. Independent claim 38 now recites, *inter alia*:

a composite hockey stick shaft having:

i) a single inner layer of fibers disposed within a matrix material;

- ii) a single layer of viscoelastic material disposed on the outside of the inner layer from a point adjacent the first end of the shaft to a point adjacent the second end;
- iii) a single inner outer layer of fibers disposed within a matrix material.

The applicant respectfully submits that new claim 38 distinguishes over the prior art in the following manner.

Conroy does not teach the use of a viscoelastic material. Further, Conroy teaches a shaft having four layers of unidirectional fibers, each layer being continuously in contact with an adjacent layer of unidirectional fibers. Conroy therefore teaches away from a shaft comprising a structure wherein a single layer of viscoelastic material spaces apart a single inner layer of fibers and a single outer layer of fibers .

Also, Cabales does not teach a shaft construction having a single inner layer of fibers and a single outer layer of fibers sandwiching a single layer of viscoelastic material. Cabales teaches at least two inner layers and two outer layers sandwiching a layer of viscoelastic material. Further, Cabales teaches of a localized damping mechanism, and therefore teaches away from a layer of viscoelastic material disposed from a point adjacent the first end of the shaft to a point adjacent the second end. While the applicant acknowledges that Cabales can find application in other sports and industries, such as hockey, said teaching nevertheless does not render claim 38 obvious, since combining Conroy and Cabales still does not teach, point to, suggest or provide any incentive for the solution claimed in claim 38, namely a single inner layer of fibers and a single outer layer of fibers sandwiching a single layer of viscoelastic material disposed from a point adjacent the first end of the shaft to a point adjacent the second end.

The applicant therefore respectfully submits that claim 25 is patentably distinct from the teachings of Conroy and Cabales, whether taken individually or collectively.

In view of the above, it is respectfully submitted that the application is believed to be in condition for allowance. Early issuance of the Notice of Allowance is earnestly solicited.

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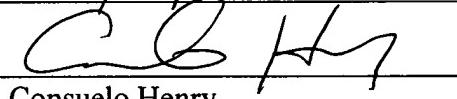
Respectfully Submitted,

  
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Consuelo Henry